IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8289 OF 2006

Suman William Londhe and Anr ..Petitioner

Vs.

Radheshyam Devidin Gupta and Ors. ..Respondents

Mr.A.S.Khandeparkar i/b M/s.Khandeparkar & Associates for the petitioner

CORAM : A.P.DESHPANDE, J

DATED : 21ST DECEMBER, 2006

P.C.:

1. Rejection of an application moved by the petitioners / obstructionists for resisting the execution proceedings has given rise to the filing of this petition. The respondents / plaintiffs instituted a suit for ejectment and possession by impleading one Rajesh as party defendant. Rajesh happens to be the son of the original tenant by name William Jacob Londhe. It is averred in the plaint that the tenant was in arrears of rent from the year 1989 till the date of filing of the suit.

2. The original defendant is one of the legal heirs of William Jacob Londhe whereas the obstructionists are the other heirs of William Jacob Londhe. Though the objection is raised to the execution by contending that the obstructionists have right and interest in the said premises, the obstructionists did not lead any evidence to establish the same. They remained absent for a long time and hence, the executing court was constrained to proceed with the matter. In the absence of any evidence on behalf of the obstructionists, the executing court has rejected the plea of the present petitioners / obstructionists.

3. Perused the order. The same does not call for any interference as the petitioners have chosen not to attend the execution proceedings and failed to lead any evidence in regard to their right, title and interest. There being no merit in the petition, petition is summarily dismissed.

(SHRI A.P.DESHPANDE, J)